REMARKS

Claims 1-29 are pending in this application. By this Amendment, claim 14 is amended. No new matter is added.

I. The Specification Satisfies All Formal Requirements

The Office Action requests update status on all parent priority applications in the first line of the specification. In response, Applicant respectfully requests withdrawal of the requirement.

MPEP §1302.09 sets forth "examiners must review the data regarding prior U.S. applications to make sure that the information is correct when preparing the application for issue." However, the present application only claims priority of foreign application (JP11-219858) under 35 U.S.C. §119, which does not fall within the above recited MPEP requirement. Accordingly, withdrawal of the requirement with respect to the specification is respectfully requested.

II. Information Disclosure Statement

The Office Action asserts that the Information Disclosure Statement (Paper No. 6) filed October 2, 2002, contains Japanese references, "which have not been translated and therefore have not been considered." This assertion is respectfully traversed.

The October 2, 2002 Information Disclosure Statement clearly indicated that a concise explanation of the relevance of the non-English language references appears in the Appendix attached thereto. However, in the interest of expediting the examination of the disclosed information, computer-generated English translation of the originally disclosed Japanese patent publications are concurrently filed as an Information Disclosure Statement. Acknowledgment of the disclosed information is respectfully requested.

III. The Claims Satisfy the Requirements Under 35 U.S.C. §112, Second Paragraph

The Office Action rejects claims 14-17 under 35 U.S.C. §112, second paragraph, as being indefinite. In response, claim 14 is amended to overcome the rejection. Withdrawal of the rejection under 35 U.S.C. §112, second paragraph, is respectfully requested.

IV. The Claims Define Patentable Subject Matter

The Office Action rejects claims 1-9, 14, 15 and 18-29 under 35 U.S.C. §102(b) over U.S. Patent 5,734,909 to Bennett; and claims 10-13, 16 and 17 under 35 U.S.C. §103(a) over Bennett in view of Applicant's description of the related art in the specification. These rejections are respectfully traversed.

Regarding claims 1, 21, 24 and 27, the Office Action at page 4 asserts "Bennett teaches ...; and a re-request timing specification unit that specifies a timing of re-request of log-in to determine a time when said specific device of interest, which has just output the request of log-in and received the response of failed log-in, should output another request of log-in (col. 2, lines 40-41)"; regarding claims 14, 23, 26 and 29, the Office Action at page 4 further asserts "Bennett teaches a log-in request unit that outputs a request of log-in to said specific device and, when receiving a response of failed log-in and a specification of a timing of re-request from said specific device, outputs another request of log-in to said specific device at the specified timing of re-request (col. 2, lines 40-43)"; and regarding claims 18 and 19, the Office Action at pages 4 and 5 further asserts "Bennett teaches ...; and a re-request timing specification unit that specifies a timing of re-request of log-in to determine a time when said specific device of interest, which has just output the request of log-in and received the response of failed log-in, should output another request of log-in (col. 2, lines 40-41); each log-in request unit that outputs a request of log-in to said specific device and, when receiving a response of failed log-in and a specification of a timing of re-request from said

specific device, outputs another request of log-in to said specific device at the specified timing of re-request (col. 2, lines 40-43)". These assertions are respectfully traversed.

Bennett does not disclose or suggest "a re-request timing specification unit specifies a timing of re-request of log-in to determine a time when a specific device of interest, which has just output the request of log-in and received the response of failed log-in, should output another request of log-in", as recited in claim 1; and "a log-in request unit that outputs a request of log-in to a specific device and, when receiving a response of failed log-in and a specification of a timing of re-request from said specific device, outputs another request of log-in to said specific device at the specified timing of re-request," as recited in claim 14, and as similarly recited in claims 18, 19, 21, 23, 24, 26, 27 and 29.

Instead, Bennett merely discloses that the server might respond to the requesting client with an instruction to submit the request again at a later time, and the client makes a retry later, when the current lock holding client might be finished with its data operations (col. 2, lines 40-43).

Specifically, Bennett's server merely gives the client an instruction to submit the request again at a later time, but this instruction does not relate to the timing for determining when a re-request should be output as claimed. Further, Bennett's client merely makes a retry, at predetermined timing, in accordance with the above-mentioned instruction from the server. The client does not make a retry at a given timing specified by the server.

For at least these reasons, it is respectfully submitted that claims 1, 14, 18, 19, 21, 23, 24, 26, 27 and 29 are patentable over the applied references. The dependent claims are likewise patentable over the applied references for at least the reasons discussed, as well as for the additional features they recite. Applicant respectfully requests that the rejections under 35 U.S.C. §§102(b) and 103 be withdrawn.

V. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-29 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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